



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/671,402

09/25/2003

Mark S. Kempisty

MATP-647US

8069

23122 7590 10/17/2007  
RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER

LUONG, ALAN H

ART UNIT

PAPER NUMBER

4126

MAIL DATE

DELIVERY MODE

10/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/671,402

**Applicant(s)**

KEMPISTY, MARK S.

**Examiner**

ALAN LUONG

**Art Unit**

4126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/25/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **14-20** are rejected under 35 U.S.C. 102(b) as being anticipated by US Publication No. 2001/005677 to Gordon et al.

**Regarding to claim 14:** Gordon teaches an electronic program guide apparatus (IEPG 100 of Fig.1) capable of receiving an electronic program guide signal and generating for display on a display device (DISP of Fig. 4) a grid pattern (100 of Fig. 1) containing program cells (150) having associated program lengths from the electronic program guide signal, the grid including one or more rows (130) and a plurality of columns (125 see Fig. 1), wherein each row corresponds to a program channel, each column represents a predefined period of time, and program cells having a length that exceeds the predefined period of time span multiple columns, the electronic program guide controller comprising:

a controller (270) that receives instructions of a user (control signal TUNE from 280) to select one of at least two time shift modes (856 of Fig. 8, para.[0163] lines 1-17), the controller (270) configured to receive the electronic program guide signal (280 sends I/R signal to 275 in control 270 wherein commands a control signal TUNE

Art Unit: 4126

between I/O 274 and tuner 210), (see Fig. 2, para.[0042] lines 1-18 )

to generate the grid pattern (100 of Fig. 1) from the electronic program guide signal (para.[0034] and [0035]), and to shift the grid pattern time focus responsive to user shift instructions in accordance with the selected one of the at least two time shift modes (para.[0036] and [0037]); and

an on-screen display processor (260) coupled between the controller (270) and the display device (compositor 290), the on-screen display processor (260) being configured to provide the generated grid pattern as a video signal (VOSD) to the display device (DISP of Fig. 4).(also see Fig. 2, para. [0046] Lines 1-9)

**Regarding to claim 15:** Gordon also teaches the apparatus of claim 14, further comprising:

a transport decoder (230) coupled to the controller (270), the transport decoder configured to receive the electronic program guide and pass the received electronic program guide (100 of Fig. 1) to the controller (Figs. 2, para. [0043]).

**Regarding to claim 16:** Gordon also teaches the apparatus of claim 15, further comprising:

a display device (compositor 290 of Fig. 2) is coupled to the on-screen display processor (260 of Fig. 2, para [0046] lines 1-9) configured to display the video signal (VOSD of Fig. 2; between OSD 260 and compositor 290).

**Regarding to claims 17-20:** Gordon further discloses the apparatus of claim 14, wherein the at least two time shift modes (856 of Fig. 8, para.[0163] lines 1-17),

Art Unit: 4126

include at least two time shift modes selected from a group of time shift modes consisting of a column time shift mode (605A, 605B, 605C of Fig. 6, para.[0104] lines 1-19), a program cell time shift mode (610-2 of Figs.11A-11C channel 2 shows Program "Roy Rogers" has 1 and half hr interval or 3 time slots of 605A-605C, also see para.[0178], [0179] and [0180]), and a user defined time period shift mode (631 to 639 of Fig. 6, para.[0110] and [0111]) and ( 925 of Fig. 9, para.[0173] lines 5-12).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. in view of US Publication No. 2001/0005903 (US'903) to Iki et al.

**Regarding to claims 1:** Gordon discloses on a display device a electronic program guide grid pattern (IEPG screen 100 of Fig. 1) containing program cells (150) having associated program lengths, the grid including one or more rows (130) and a plurality of columns (125), wherein each row corresponds to a program channel, each column represents a predefined period of time, and program cells with lengths exceeding the predefined period of time span multiple columns (see Fig. 1) and a method comprising the steps of:

Art Unit: 4126

receiving instructions of a user (control signal TUNE from 280) capable of being configured in at least two time shift modes (856 of Fig. 8, para. [0163] lines 1-17), and responsive to user shift instructions in accordance with the selected one of the at least two time shift modes (para. [0036] and [0037]). However, Gordon fails to disclose an electronic program guide controller in system controller.

Iki teaches an electronic program guide controller (206) capable of generating for display on a display device (102); receiving inputs from User Interface controller (210) and capable of being configured to perform a manual and an automatic selection from program selection controller (208). (see US'903 Figs.1-2, also para. [0031] to [0042]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gordon's invention to include the EPG controller function as taught by Iki, for user can quickly access to EPG or TV display changing favorite TV programs or channels by a remote control unit.

**Regarding to claims 2-5:** As the method of claims 1 above, Gordon also teaches at least two time shift modes (856 of Fig. 8, para.[0163] lines 1-17) include at least two time shift modes selected from a group of time shift modes consisting of a column time shift mode (605A, 605B, 605C of Fig. 6, para.[10] lines 1-19), a program cell time shift mode (610-2 of Figs.11A-11C showing the program "Roy Rogers" on channel 2 has 1 and half hr interval or 3 time slots of 605A-605C, also see para.[0178], [0179] and [0180]), and a user defined time period shift mode (631 to 639 of Fig. 6, para.[0110] and [0111]) and ( 925 of Fig. 9, para.[0173] lines 5-12).

Art Unit: 4126

**Regarding to claims 6-9:** Gordon and Iki disclose all claim limitation; see discussion in claims 1- 5 above. In the recitation "A system for configuring" that has not been given patentable weight because it have been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. MPEP 2111.02.

**Regarding to claims 10-13:** Gordon and Iki disclose all claim limitation; see discussion in claims 1- 5 above.

In the recitation "A computer readable medium including software" that has not been given patentable weight because it have been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. MPEP 2111.02.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571) 270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4126

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alan Luong  
Date 10/3/2007  
Art Unit 4126

Lun-Ming  
Primary Examiner

